

## SENATE BILL NO. 395

INTRODUCED BY J. BALYEAT

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 9, OF THE MONTANA CONSTITUTION TO REQUIRE THAT SUPREME COURT JUSTICES BE ELECTED OR APPOINTED FROM DISTRICTS ESTABLISHED BY THE LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Article VII, section 9, of The Constitution of the State of Montana is amended to read:

**"Section 9. Qualifications.** (1) A citizen of the United States who has resided in the state two years immediately before taking office is eligible to the office of supreme court justice or district court judge if admitted to the practice of law in Montana for at least five years prior to the date of appointment or election. Qualifications and methods of selection of judges of other courts shall be provided by law.

(2) No supreme court justice or district court judge shall solicit or receive compensation in any form whatever on account of his office, except salary and actual necessary travel expense.

(3) Except as otherwise provided in this constitution, no supreme court justice or district court judge shall practice law during his term of office, engage in any other employment for which salary or fee is paid, or hold office in a political party.

(4) ~~Supreme A supreme court justices justice shall be elected or appointed from the district in which the justice resides at the time of election or appointment and shall~~ reside within the state during his term of office. During his term of office, a district court judge shall reside in the district and a justice of the peace shall reside in the county in which he is elected or appointed. The residency requirement for every other judge must be provided by law.

(5) The legislature shall divide the state into supreme court districts, based on population, of no fewer than five districts and no more than seven districts, subject to Article VII, section 6."

**NEW SECTION. Section 2. Effective date.** This amendment is effective upon approval by the electorate.

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2 NEW SECTION. **Section 3. Submission to electorate.** This amendment shall be submitted to the

3 qualified electors of Montana at the general election to be held in November 2006 by printing on the ballot the

4 full title of this act and the following:

5           []       FOR requiring supreme court justices to be elected or appointed from districts established by  
6           the legislature.

7           []       AGAINST requiring supreme court justices to be elected or appointed from districts established  
8                   by the legislature.

9 - END -